

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF ALASKA

3 ELISHA SHEPHERD,

4 Plaintiff,

5 vs.

6 MILTON J. JAKEWAY, and  
7 UNITED STATES OF AMERICA,

8 Defendants.

9 Case No. A01-333 CIVIL (JKS)

ORIGINAL

CORRECTION SHEET:

- Signature waived/time expired
- Signature waived
- Signed/dated/no corrections made
- Signed/dated/corrections made

11 VIDEO CONFERENCE DEPOSITION OF AGENT ANGELA BIRT

13 Pages 1 - 71

14 Thursday, March 4, 2004  
10:58 A.M.

15 Taken by Counsel for Plaintiff  
at

16 U.S. Attorney's Office, District of Alaska  
17 222 West Seventh Avenue, No. 9 Room 253.  
Anchorage, Alaska



1                   So based on her giving us consent, we went  
2 into the house to look for the weapons and to look for  
3 other evidence related to the crimes that Charlie  
4 Shepherd was later arrested for.

5                   By the time I returned back to the house,  
6 Jakeway and Wisel had gotten Shepherd cuffed and  
7 dressed, and I'm not sure in what order that happened,  
8 because I wasn't there. He was taken out, put in a  
9 patrol car, taken to the military police desk and  
10 processed there, and then we continued to work the  
11 crime scene, to assist MPI and Mr. Wisel in looking  
12 for weapons and other evidence of the crimes.

13                  During the time period that we were searching  
14 the bedroom, which is where the gun cabinet was  
15 located, we did see that the gun cabinet did have  
16 broken glass, as Elisha Shepherd had explained to us  
17 earlier. And at one point Mr. Jakeway reached behind  
18 the gun cabinet, between the gun cabinet and the wall,  
19 and he pulled out an unmarked videocassette tape - it  
20 was just black, no sleeve - and he turned to me and  
21 said, What do you think? And I said we should check  
22 it out.

23                  Based on my experience and training, I knew  
24 that on some occasions people use videotapes to record  
25 their suicide notes to their family so they can reach

1 then you went back into the residence to conduct some  
2 more business, and then you left the residence after  
3 you conducted that business. Where did you go  
4 immediately after that?

5 A I'm not clear on your question. Would you  
6 like for me to recount?

7 Q No. I'm asking, did you go -- after you left  
8 the residence, when you enter -- you enter the  
9 residence the second time and then you left. Upon  
10 leaving, did you go back to your office, did you go  
11 home in Eagle River? What did you do?

12 A No. I left the residence the first time to  
13 unload the gun outside. When I did that, I put the  
14 round in my pocket and I took the weapon with me over  
15 to speak to Ms. Shepherd and talk with her further.  
16 Then I came back to the residence and assisted in  
17 completing the rest of the search, incident to  
18 apprehension.

19 Q And after that return to complete the search,  
20 you ultimately left the residence, right?

21 A We left the residence a number of times.  
22 Ultimately we ended up having to search their cars, I  
23 think, to find the final weapon. And there might have  
24 been some conversation about where the car keys were  
25 and how we might be able to find those weapons, in